



April 7, 2015

Mr. Jack Finch
President
Tri-State Bible College
506 Margaret Street
South Point, OH 45680-8402

Certified Mail Return Receipt Requested
Domestic Return Receipt
#7012 1640 0000 0216 0293

RE: **Final Program Review Determination**
OPE ID: 03475400
PRCN: 2013 4 05 28397

Dear President Finch:

The U.S. Department of Education's (Department's) School Participation Team – Chicago/Denver issued a program review report on February 7, 2014 covering Tri-State Bible College's (TSBC) administration of programs authorized by Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C. §§ 1070 et seq. (Title IV, HIEA programs), for the 2011-2012 and 2012-2013. TSBC's final response was received on May 12, 2014. A copy of the program review report (and related attachments) and TSBC's response are attached. Any supporting documentation submitted with the response is being retained by the Department and is available for inspection by TSBC upon request. Additionally, this Final Program Review Determination (FPRD), related attachments, and any supporting documentation may be subject to release under the Freedom of Information Act (FOIA) and can be provided to other oversight entities after this FPRD is issued.

Purpose:

Final determinations have been made concerning all of the outstanding findings of the program review report. The purpose of this letter is to: (1) identify liabilities resulting from the findings of this program review report, (2) provide instructions for payment of liabilities to the Department, (3) notify the institution of its right to appeal, (4) close the review, and (5) notify TSBC of a possible adverse action. Due to the serious nature of one or more of the enclosed findings, this FPRD is being referred to the Department's Administrative Actions and Appeals Service Group (AAASG) for its consideration of possible adverse action. Such action may include a fine, or the limitation, suspension or termination of the eligibility of the institution. Such action may also include the revocation of the institution's program participation agreement (if provisional), or, if the institution has an application pending for renewal of its certification, denial of that application. If AAASG initiates any action, a separate notification will be provided which will include information on institutional appeal rights and procedures to file an appeal.

Federal Student Aid

School Participation Division – Chicago/Denver
500 West Madison Street Suite 1576, Chicago, IL 60661
StudentAid.gov

This FPRD contains one or more findings regarding TSBC's failure to comply with the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) in Section 485(f) of the HEA, 20 U.S.C. §1092(f), and the Department's regulations at 34 C.F.R. §§668.41, 668.46, and 668.49. Because Clery Act findings do not result in financial liabilities, such findings may not be appealed. If an adverse administrative action is initiated, additional information about TSBC's appeal rights will be provided under separate cover.


Record Retention:

Program records relating to the period covered by the program review must be retained until the later of: resolution of the loans, claims or expenditures questioned in the program review; or the end of the retention period otherwise applicable to the record under 34 C.F.R. §§ 668.24(c)(1), (e)(2), and (e)(3).

The Department expresses its appreciation for the courtesy and cooperation extended during the review. If the institution has any questions regarding this letter, please contact Rosa Reth at (312) 730-1469. Questions relating to any appeal of the FPRD should be directed to the address noted in the Appeal Procedures section of this letter.

Sincerely,

(b)(6)

 Douglas Parrott
Division Director

Enclosure:
Final Program Review Determination Report (and appendices)

cc: Roberta Mercer, Financial Aid Administrator
OH Board of Regents
Association For Biblical Higher Education
Department of Defense
Department of Veterans Affairs
Consumer Financial Protection Bureau

Prepared for
Tri-State Bible College

Federal Student Aid

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**OPE ID 03475400
PRCN 2013 4 05 28397**

**Prepared by
U.S. Department of Education
Federal Student Aid
School Participation Division – Chicago/Denver**

**Final Program Review Determination
April 7, 2015**

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A. Institutional Information

Tri-State Bible College
506 Margaret Street
South Point, OH 45680-8402

Type: Private, Nonprofit

Highest Level of Offering: Bachelor's Degree

Accrediting Agency: Association for Biblical Higher Education

Current Student Enrollment: 91 (2012-2013)

% of Students Receiving Title IV: 64% (2012-2013)

Title IV Participation (PCNet):

	<u>2012-2013</u>
Federal Pell Grant (Pell)	\$162.424
Federal Direct Loan Program (Direct Loan)	\$375.385
Federal Supplemental Educational Opportunity Grant (FSEOG)	\$ 6.251

Default Rate DL:	2011	15.3%
	2010	0
	2009	0

B. Scope of Review

The U.S. Department of Education (the Department) conducted a program review at Tri-State Bible College (TSBC) from September 9, 2013 to September 13, 2013. The review was conducted by Rosa Reth and Nicholas Koulermos.

The focus of the review was to determine TSBC's compliance with the statutes and federal regulations as they pertain to the institution's administration of Title IV programs. The review consisted of, but was not limited to, an examination of TSBC's policies and procedures regarding institutional and student eligibility, individual student financial aid and academic files, attendance records, student account ledgers, and fiscal records.

A sample of 30 files was identified for review from the 2011-2012 and 2012-2013 award years. The files were selected randomly from a statistical sample of the total population receiving Title IV, HEA program funds for each award year. Appendix A lists the names and partial social security numbers of the students whose files were examined during the program review.

Disclaimer:

Although the review was thorough, it cannot be assumed to be all-inclusive. The absence of statements in the report concerning TSBC's specific practices and procedures must not be construed as acceptance, approval, or endorsement of those specific practices and procedures. Furthermore, it does not relieve TSBC of its obligation to comply with all of the statutory or regulatory provisions governing the Title IV, HEA programs.

This report reflects initial findings. These findings are not final. The Department will issue its final findings in a subsequent Final Program Review Determination letter.

C. Findings and Final Determinations

Resolved Findings

Finding(s) 1, 4 - 13

TSBC has taken the corrective actions necessary to resolve findings 1 and 4 through 13 of the program review report. Therefore, these findings may be considered closed. Findings requiring further action by TSBC are discussed below.

Findings with Final Determinations

The program review report finding(s) requiring further action are summarized below. At the conclusion of each finding is a summary of TSBC's response to the finding, and the Department's final determination for that finding. A copy of the program review report issued on February 7, 2014 is attached as Appendix A.

Finding 2: Crime Awareness Requirements not Met

Citation Summary:

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) and the Department's regulations require that all institutions that receive Title IV, HEA funds must, by October 1 of each year, publish and distribute to its current students and employees, a comprehensive Annual Security Report (ASR) that contains, at a minimum, all of the statistical and policy elements described in 34 C.F.R. §668.46(b).

The ASR must be prepared and actively distributed as a single document. Acceptable means of delivery include regular U.S. Mail, hand delivery, or campus mail distribution to the individual or posting on the institution's website. If an institution chooses to distribute its report by posting to an internet or intranet site, the institution must, by October 1 of each year, distribute a notice to all students and employees that includes a statement of the report's availability and its exact electronic address, a description of its contents, as well as an advisement that a paper copy will be provided upon request. 34 C.F.R. §668.41(e)(1). The Department's regulations also require participating institutions to provide a notice to all prospective students and employees that includes a statement about the ASR's availability, its contents, and its exact electronic address if posted to a website. This notice must also advise interested parties of their right to request a paper copy of the ASR and to have it furnished upon request. 34 C.F.R. §668.41(e)(4)

The ASR must include statistics for incidents of crimes reported during the three most recent calendar years. The covered categories include criminal homicide (murder and non-negligent manslaughter), forcible and non-forcible sex offenses, robbery, aggravated assaults, burglary, motor vehicle theft, and arson. Statistics for certain hate crimes as well as arrest and disciplinary referral statistics for violations of certain laws pertaining to illegal drugs; illegal usage of controlled substances, liquor, and weapons also must be disclosed in the ASR. These crime statistics must be published for the following geographical categories: 1) on campus; 2) on-campus student residential facilities; 3) certain non-campus buildings and property; and, 4) certain adjacent and accessible public property. 34 C.F.R. §668.46(c)(1).

Additionally, the ASR must include several policy statements. These disclosures are intended to inform the campus community about the institution's security policies, procedures, and the availability of programs and resources as well as channels for victims of crime to seek recourse. In general, these policies include topics such as the law enforcement authority and practices of campus police and security forces, incident reporting procedures for students and employees, and policies that govern the preparation of the report itself. Institutions are also required to disclose alcohol and drug policies and educational programs. Policies pertaining to sexual assault education, prevention, and adjudication must also be disclosed. Institutions also must provide detailed policies of the issuance of timely warnings, emergency notifications, and evacuation procedures. All required statistics and policies must be included in a single comprehensive document, known as an ASR. With the exception of certain drug and alcohol program information, cross referencing to other publications is not sufficient to meet the publication and distribution requirements of the Act. § 485(f) of the HEA; 34 C.F.R. §668.46(b).

Finally, each institution must also submit its crime statistics to the Department for inclusion in the Office of Postsecondary Education's (OPE) "Campus Safety and Security Data Analysis Cutting Tool." 34 C.F.R. §668.41(e)(5).

Noncompliance Summary:

TSBC failed to distribute an accurate and complete ASR in accordance with Federal regulations. Specifically, the ASR was not delivered directly to current students and employees by October 1st. During the site visit in September of 2013, Department officials confirmed that the ASR was not distributed. In addition, the institution was unable to produce any supporting documentation evidencing that the institution has ever distributed its ASRs in the required manner. In addition, the Department confirmed that prospective students and employees have never been notified about the ASR, resulting in another violation.

In addition, TSBC failed to meet all the required policies in regards to sexual assault programs and hate crime statistics. The following lists the deficient inclusions in the annual security report for sexual assault programs that are required under 34 C.F.R. §668.46(b)(11) and (12):

- (i) A description of educational programs to promote the awareness of rape, acquaintance rape, and other forcible and non-forcible sex offenses;
- (iv) Notification to students of existing on- and off-campus counseling, mental health, or other student services for victims of sex offenses;
- (v) Notification to students that the institution will change a victim's academic and living situations after an alleged sex offense and of the options for those changes, if those changes are requested by the victim and are reasonably available;

(vi) Procedures for campus disciplinary action in cases of an alleged sex offense, including a clear statement that—

(A) The accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding; and

(B) Both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding brought alleging a sex offense. Compliance with this paragraph does not constitute a violation of the Family Educational Rights and Privacy Act (20 U.S.C. 1232g). For the purpose of this paragraph, the outcome of a disciplinary proceeding means only the institution's final determination with respect to the alleged sex offense and any sanction that is imposed against the accused; and

(vii) Sanctions the institution may impose following a final determination of an institutional disciplinary proceeding regarding rape, acquaintance rape, or other forcible or non-forcible sex offenses.

(12) Beginning with the annual security report distributed by October 1, 2003, a statement advising the campus community where law enforcement agency information provided by a State under section 170101(j) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(j)), concerning registered sex offenders may be obtained, such as the law enforcement office of the institution, a local law enforcement agency with jurisdiction for the campus, or a computer network address.

For these reasons, the Department finds that TSBC's persistent failures to comply constitute a systemic failure to properly implement Clery Act requirements.

Failure to publish an accurate and complete ASR and to actively distribute it in accordance with Federal regulations deprives the campus community of important security information that can empower its members to be informed and play an active role in their own safety and security.

Required Action Summary:

As a result of these multiple violations, TSBC must develop and implement policies and procedures that will govern the preparation, publication, and distribution of ASR and ensure that all facets of the process are carried out in a manner that meets Federal regulations. The procedures must also specifically articulate how prospective students and employees will be notified of the report's availability. Using the policies as a guide, TSBC must prepare and publish an accurate and complete ASR that includes all of the statistical disclosures and policy, procedure and programmatic information required under 34 C.F.R. §668.46(b). A copy of the TSBC's new and revised policies and procedures and its revised 2013 ASR must accompany its response to this program review report. Once the ASR is evaluated by the review team for accuracy and

completeness, the TSBC will be required to actively distribute it to all current students and employees in accordance with 34 C.F.R. §668.41(e).

Finally, TSBC will be required to provide documentation to the Department evidencing the ASR distribution as well as a certification statement attesting to the fact that the materials were distributed in accordance with the Clery Act. This certification must also affirm that the TSBC understands all of its Clery Act obligations and that it has taken all necessary corrective actions to ensure that these violations do not recur.

As noted above, the exceptions identified in this finding constitute serious violations of the Clery Act that by their nature cannot be cured. There is no way to truly “correct” a violation of this type once it occurs. TSBC will be given an opportunity to develop and distribute an accurate and complete ASR, and in so doing, finally begin to bring its overall campus security program into compliance with the Clery Act as required by its Program Participation Agreement (PPA). However, the TSBC is advised that these remedial measures cannot and do not diminish the seriousness of these violations nor do they eliminate the possibility that the Department will impose an adverse administrative action and/or require additional corrective measures.

Based on an evaluation of all available information including TSBC’s response, the Department will determine if additional actions will be required to address this violation. The Department will advise the College accordingly in the FPRD.

TSBC officials may wish to refer to the Department’s “Handbook for Campus Safety and Security Reporting” (2011 Edition) during the preparation of its response. The Handbook is available online at: <http://www2.ed.gov/admins/lead/safety/handbook.pdf>. The regulations governing the Clery Act can be found at 34 C.F.R. §§668.14, 668.41, 668.46, and 668.49.

TSBC Response:

In its official response, TSBC concurred with the finding and stated that remedial action was taken as directed in the program review report. College officials conceded that certain required policy statements regarding sexual assault prevention, response, and adjudication were not included in the 2012 ASR. In addition, TSBC management acknowledged that this report was not distributed to required recipients and that prospective students and employees were not notified about the report’s availability.

Per the response, College officials stated the Office of Vice President of Student Affairs is now responsible for all aspects of *Clery Act* compliance. Management further asserted that the Vice President reviewed Federal requirements and oversaw the production of an accurate and complete 2013 ASR that included all of the statistical disclosures and policy, procedure and programmatic information required by 34 C.F.R. §668.46(b).

In addition, the response indicated that new ASR distribution procedures were developed and implemented. The new procedure states in part that all future ASRs will be published on the TSBC website and that a digital copy of the report will be emailed to all students and employees, including volunteers. Prospective students and employees will purportedly be given a hard copy of the ASR at the time of registration and/or initial interview. Furthermore, TSBC management claimed that the ASR will be included in all future editions of the Student Handbook and that all students and employees will be provided a copy at the beginning of the fall semester. The College also stated that new students and employees will be provided a hardcopy of the handbook at the time of matriculation or acceptance of an offer of employment. Finally, TSBC submitted the requested certification statement wherein the College asserted that it understands its *Clergy Act* obligations and that adequate corrective action was taken to ensure the identified violations will not recur. The College also submitted several documents including its revised 2013 ASR and new and revised internal policies and procedures in support of its claims.

Final Determination:

Finding #2 of the program review report cited TSBC for not including required statements of policy and procedure regarding sexual assault prevention, response, and adjudication in its 2012 ASR. Specifically, the Department concluded that TSBC's 2012 ASR omitted all the required policy statements listed in the Noncompliance section above. In addition, the review team found that the College failed to distribute the 2012 ASR to enrolled students and current employees and also failed to notify prospective students and employees about the report's availability. During the site visit in September of 2013, Department officials confirmed that the ASR was not distributed. In addition, the institution was unable to produce any supporting documentation evidencing that the institution has ever distributed its ASRs in the required manner. In addition, the Department confirmed that prospective students and employees have never been notified about the ASR. As a result of this violation, TSBC was required to review and revise its internal policies and procedures related to *Clergy Act* compliance and develop and implement new policies and procedures as needed to ensure that its ASRs are accurate and complete and are disseminated in accordance with *34 C.F.R. §668.41(e)*. In its response, TSBC stated its concurrence with the finding and asserted that all necessary corrective action was taken to address the violations identified by the review team. TSBC also submitted documents in support of its claims.

The Department carefully examined TSBC's narrative response and supporting documentation. The review team's examination showed that the identified violations were, for the most part, satisfactorily addressed by its 2013 ASR and new and revised internal policies and procedures. Based on that review and the College's admission of noncompliance, each of the violations identified in the initial finding are sustained. The Department has also determined that TSBC's remedial action plan meets minimum requirements. For these reasons, the Department has accepted TSBC's response and

considers this finding to be closed for program review purposes. Nevertheless, the officials and directors of TSBC are put on notice that they must take any additional actions that may be necessary to address the deficiencies and weaknesses identified by the Department as well as those that were detected during the preparation of the College's response to the Department's report and/or as may otherwise be needed to ensure that these violations do not recur. In this regard, TSBC must immediately re-examine its 2014 ASR and ensure that it is accurate and complete and inclusive of information about the state's sex offender registry as required by *34 C.F.R. §668.46 (b)(12)*, which was omitted from the 2013 report. Moreover, the College must make sure that prospective students and employees are actively advised about the ASR at the time of application and not delay notification until an application for enrollment or employment is submitted.

Although the finding is now closed, TSBC is reminded that the exceptions identified above constitute serious violations of the *Clery Act* that by their nature cannot be cured. There is no way to truly "correct" violations of this type once they occur. TSBC asserted that it has taken adequate remedial actions and that by doing so, that it is now in compliance with the *Clery Act* as required by its Program Participation Agreement (PPA). Nevertheless, TSBC officials must understand that any failure to publish and distribute an accurate and complete ASR deprives students and employees of important campus safety information to which they are entitled. For these reasons, the College is advised that its remedial actions cannot and do not diminish the seriousness of these violations nor do they eliminate the possibility that the Department will impose an adverse administrative action and/or require additional corrective actions as a result.

Because of the serious consequences of such violations, the Department strongly recommends that TSBC re-examine its campus safety and general Title IV policies and procedures on an annual basis to ensure that they continue to reflect current institutional practices and are compliant with Federal requirements. To that end, TSBC officials are encouraged to consult the Department's "Handbook for Campus Safety and Security Reporting" (2011) as a reference guide on *Clery Act* compliance. The Handbook is online at: www2.ed.gov/admins/lead/safety/handbook.pdf. The Department also provides a number of other *Clery Act* training resources. College officials can access these materials at: www2.ed.gov/admins/lead/safety/campus.html. The regulations governing the *Clery Act* can be found at *34 C.F.R. §§668.14, 668.41, 668.46, and 668.49*.

TSBC management is also reminded that Section 304 of the Violence Against Women Reauthorization Act of 2013 (VAWA) amended the *Clery Act* to require institutions to compile and disclose statistics for incidents of domestic violence, dating violence, sexual assault, and stalking. VAWA also requires institutions to include new policy, procedural, and programmatic disclosures regarding sexual assault prevention, response, and adjudication in their ASRs. All institutions are currently obligated to make a documented good-faith effort to comply with the statutory requirements of VAWA and were required to include all new required content in the 2014 ASR. The Department issued Final Rules on the VAWA amendments on October 20, 2014 and therefore, these regulations will go

into effect on July 1, 2015, per the Department's Master Calendar. In light of the violations documented above, TSBC is advised to bring its sexual assault policies up to the standard required by VAWA now. TSBC officials may access the text of the Final Rule at: <http://ifap.ed.gov/fregisters/attachments/FR102014FinalRuleViolenceAgainstWomenAct.pdf>.

Finding 3: Drug and Alcohol Abuse Prevention Program Requirements Not Met – Biennial Review Violations

Citation Summary:

The Drug-Free Schools and Communities Act (DFSCA) and Part 86 of the Department's General Administrative Regulations requires each participating institution of higher education (IHE) to certify that it has developed and implemented a drug and alcohol abuse education and prevention program. The program must be designed to prevent the unlawful possession, use, and distribution of drugs and alcohol on campus and at recognized events and activities.

On an annual basis, the IHE must distribute written information about its drug and alcohol abuse prevention program (DAAPP) to all students, faculty, and staff. The distribution plan must make provisions for providing the material to students who enroll at a date after the initial distribution, and for employees who are hired at different times throughout the year. The information must include:

- A written statement about its standards of conduct that prohibits the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees;
- A written description of legal sanctions imposed under Federal, state and local laws for unlawful possession or distribution of illicit drugs and alcohol;
- A description of the health risks associated with the use of illicit drugs and the abuse of alcohol;
- A description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to students and employees; and,
- A statement that the IHE will impose disciplinary sanctions on students and employees for violations of the institution's codes of conduct and a description of such sanctions.

In addition, each IHE must conduct a biennial review in order to measure the effectiveness of its drug prevention program, and to ensure consistent treatment in its enforcement of its disciplinary sanctions. The IHE must prepare a report of findings and maintain its biennial review report and supporting materials and make them available to the Department and interested parties upon request. 34 C.F.R. §§86.3 and 86.100.

Noncompliance Summary:

TSBC failed to comply with the DFSCA by not conducting a biennial review. TSBC has persistently failed to conduct biennial reviews to: 1) assess the effectiveness of its DAAPP; 2) evaluate the consistency of sanctions imposed for violations of its disciplinary standards and codes of conduct related to illicit drugs and alcohol abuse; and, 3) identify areas requiring improvement or modification. As a consequence of the failure to conduct a biennial review, TSBC was unable to produce a report of biennial review findings. At the time of the review, TSBC officials were unable to produce records showing that the College ever conducted a biennial review.

Failure to implement the recommendations identified during the biennial review prevents the institution from maximizing the benefits of the review process and also deprives the institution of an opportunity to make substantive improvements to its drug and alcohol prevention programs. Such failures may contribute to increased drug and alcohol abuse as well as an increase in drug and alcohol-related violent crime.

Required Action Summary:

TSBC is required to take all necessary corrective actions to resolve these violations and to ensure that they do not recur. At a minimum, TSBC must perform the following:

- Review and revise its existing drug and alcohol program materials and develop new program content as needed to ensure that a comprehensive DAAPP that includes all of the required elements found in the DFSCA is in place;
- Publish a materially-complete annual DAAPP disclosure that summarizes the program;
- Develop detailed policies and procedures that will ensure that the DAAPP disclosure is distributed annually to every student who enrolls for any academic credit and to all employees. This policy must provide for active delivery to every member of the campus community regardless of when they enroll or are hired and irrespective of the duration of enrollment/employment. A copy of TSBC's new DAAPP and new distribution policy must accompany with its response to this program review report.
- Distribute the new DAAPP disclosure and provide documentation evidencing the distribution as well as a statement of certification attesting to the fact that the materials were distributed in accordance with the DFSCA. This certification must also affirm that the institution understands all of its DFSCA obligations and that it

has taken all necessary corrective actions to ensure that these violations do not recur:

- Conduct a biennial review to measure the effectiveness of its DAAPP and prepare a report of findings. TSBC's report must include a description of the research methods and data analysis tools that were used to determine the effectiveness of the program and the consistency of its enforcement strategy. The report must identify the responsible official(s) and office(s) that conducted the biennial review. Finally, the biennial review report must be approved by TSBC's chief executive and/or its Board. The biennial review must be completed by March 31, 2014 and its report and supporting materials must be submitted to the review team by April 15, 2014. During the site visit, the review team was advised that the TSBC's new leadership team is committed to implementing program improvements and the recommendations developed during prior biennial reviews. The Department expects to see evidence of this commitment in the TSBC's new biennial review report; and.
- Establish policies and procedures to ensure that all subsequent biennial review are conducted in a timely manner and are fully documented and to take all other necessary action to ensure that this violation does not recur. A copy of these new policies and procedures must accompany the TSBC's biennial review report.

TSBC must incorporate the findings from its biennial review into its DAAPP. Because the DFSCA went into effect in 1990, longstanding practice dictates that the biennial review is normally conducted in even-numbered years; however, TSBC's persistent failure to comply with all elements of the biennial review requirement necessitates the need to commence a new study immediately, as noted above. This will result in this and subsequent biennial reviews and reports to be completed in the odd-numbered years going forward. As noted above, the exceptions identified in this finding constitute serious violations of the DFSCA that by their nature cannot be cured. There is no way to truly "correct" a violation of a consumer protection/information law once it occurs. TSBC will be given an opportunity to conduct a meaningful review of its DAAPP and to bring its drug and alcohol programs into full compliance with the DFSCA as required by its PPA. However, TSBC is advised that these remedial measures cannot and do not diminish the seriousness of these violations nor do they eliminate the possibility that the Department will impose an adverse administrative action and/or require additional corrective measures as a result.

Based on an evaluation of all available information including TSBC's response, the Department will determine if additional actions will be required and will advise the TSBC accordingly in the FPRD.

TSBC Response:

In its official response, TSBC concurred with the finding and stated that remedial action was taken as directed in the program review report. TSBC conceded that it did not conduct biennial reviews prior to the Department's site visit and was otherwise not in compliance with the *DFSCA*. Per the response, College officials stated the Office of Vice President of Student Affairs will be responsible for all aspects of *DFSCA* compliance going forward. Management further asserted that the Vice President working together with a committee of other officials reviewed Federal requirements and then reviewed and revised its existing drug and alcohol program. College officials claimed that the enhanced program addresses all of the elements required by the *DFSCA*.

In addition, TSBC stated that it produced a materially-complete annual DAAPP disclosure and developed detailed policies and procedures that will ensure that required information is distributed annually to all enrolled students and current employees. TSBC officials also attested that program materials were distributed via electronic mail to all required recipients and that hardcopy disclosures will be presented to each new student upon enrollment and to each new employee when hired. The response also indicated that DAAPP information will be published in the Student Handbook and posted on the TSBC website.

Moreover, the response asserted that the Vice President of Student Affairs conducted a biennial review and prepared a report of its findings, as directed. The College's Board of Directors stated that the report was approved at their April 2014 meeting. Finally, TSBC submitted the requested certification statement attesting that the College understands its *DFSCA* obligations and has taken the remedial action to ensure that the documented violations do not recur. The College also submitted several documents including its first biennial review report.

Final Determination:

Finding #3 of the program review report cited TSBC for violations of the *DFSCA* and Part 86 of the Department's General Administrative Regulations. Specifically, the College persistently failed to conduct biennial reviews of the effectiveness of its DAAPP and of the consistency of sanctions imposed for violations of its disciplinary standards and codes of conduct. As a consequence of these infractions, TSBC was also unable to produce a report of biennial review findings. At the time of the review, TSBC officials were unable to produce records showing that the College ever conducted a biennial review.

While the initial finding focused on the biennial review violations, the College was also required to review and enhance its DAAPP and to produce and distribute an accurate and complete annual disclosure due to concerns about its overall compliance with the *DFSCA*. TSBC also was required to address the biennial review violations by developing

and implementing a detailed plan that would govern the conduct of such reviews. Then, in accordance with its plan, the College was required to conduct a substantive review of the program's effectiveness as soon as initial program data was available. Once the review was completed, TSBC was to produce a detailed report of findings, recommendations for improvement, and supporting documentation and submit it to the review team. In its response, the College concurred with the finding, stated that remedial action was taken, and submitted documents in support of its claims.

The Department carefully examined TSBC's narrative response and supporting documentation. The review team's examination showed that the identified violations were, for the most part, satisfactorily addressed by the College's response and its enhanced DAAPP, new annual disclosure, inaugural biennial review report, and new internal policies and procedures. Based on the Department's review and TSBC's admission of noncompliance, each of the violations identified in the initial finding are sustained. The Department also determined that the College's remedial action plan meets minimum requirements. For these reasons, the Department has accepted the response and considers this finding to be closed for purposes of this program review. Nevertheless, the officials and directors of TSBC are put on notice that the College must take any additional actions that may be necessary to address the deficiencies and weaknesses identified by the Department as well as those that were detected during the preparation of the College's response to the Department's report and/or as may otherwise be needed to ensure that these violations do not recur.

In this regard, TSBC officials are advised that the College must continue to develop its DAAPP, actively distribute accurate and complete program materials to members of the campus community, and to ensure that biennial reviews are conducted on the required schedule and that each report includes substantive information about the conduct of the review including details about the research methods used and outcomes reached. Care must also be taken to ensure that all findings and recommendations are supported by valid evidence. Finally, the report must indicate that it was approved by the College's President and/or its board.

Although this finding is now closed, TSBC is reminded that the exceptions identified above constitute serious and persistent violations of the *DFSCA* that by their nature cannot be cured. There is no way to truly "correct" violations of this type once they occur. TSBC asserted that it has taken adequate remedial actions and that by doing so, is now in compliance with the *DFSCA* as required by its PPA. Notwithstanding the remedial efforts taken thus far, TSBC officials must understand that compliance with the *DFSCA* is essential to maintaining a safe and healthy learning environment. Data compiled by the Department shows that the use of illicit drugs and alcohol abuse is highly correlated to increased incidents of violent crime on campus. *DFSCA* violations deprive students and employees of important information regarding the educational, financial, health, and legal consequences of alcohol abuse and illicit drug use and may deprive institutions of important information about the effectiveness of any drug and

alcohol programs that may have been in place. For these reasons, TSBC is advised that its current or future remedial measures cannot and do not diminish the seriousness of these violations nor do these actions eliminate the possibility that the Department will impose an adverse administrative action and/or additional remedial measures as a result.

In light of the serious consequences associated with compliance failures of this type, the Department strongly recommends that TSBC re-examine its drug and alcohol and general Title IV policies, procedures, and programs on at least an annual basis and revise them as needed to ensure that they continue to reflect current institutional policy and are in full compliance with the Federal regulations. Please be advised that the Department may request information on a periodic basis to test the effectiveness of the institution's new policies and procedures.

Appendices

Appendix A: Program Review Report. attached

Appendix B: Corrective Action Response Finding #2. attached

Appendix C: Corrective Action Response Finding # 3. attached

Tri-State Bible College
OPE ID 03475400
PRCN 2013 4 05 28397

Final Program Review Determination
PRCN #: 2013 4 05 28397

Appendix A
Program Review Report

Prepared for
Tri-State Bible College

Accreditation

PROUD SPONSOR of
the AMERICAN WIND

OPE ID 03475400
PRCN 2013 4 05 28397

Prepared by
U.S. Department of Education
Federal Student Aid
School Participation Division – Chicago/Denver

Program Review Report

February 7, 2014

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A. Institutional Information

Tri-State Bible College
506 Margaret Street
South Point, OH 45680-8402

Type: Private, Nonprofit

Highest Level of Offering: Bachelor's Degree

Accrediting Agency: Association for Biblical Higher Education

Current Student Enrollment: 91 (2012-2013)

% of Students Receiving Title IV: 64% (2012-2013)

Title IV Participation (PCNet):

	<u>2012-2013</u>
Federal Pell Grant (Pell)	\$162,424
Federal Direct Loan Program (Direct Loan)	\$375,385
Federal Supplemental Educational Opportunity Grant (FSEOG)	\$ 6,251

Default Rate DL:	2011	15.3%
	2010	0
	2009	0

B. Scope of Review

The U.S. Department of Education (the Department) conducted a program review at Tri-State Bible College (TSBC) from September 9, 2013 to September 13, 2013. The review was conducted by Rosa Reth and Nicholas Koulermos.

The focus of the review was to determine TSBC's compliance with the statutes and federal regulations as they pertain to the institution's administration of Title IV programs. The review consisted of, but was not limited to, an examination of TSBC's policies and procedures regarding institutional and student eligibility, individual student financial aid and academic files, attendance records, student account ledgers, and fiscal records.

A sample of 30 files was identified for review from the 2011-2012 and 2012-2013 award years. The files were selected randomly from a statistical sample of the total population receiving Title IV, HEA program funds for each award year. Appendix A lists the names and partial social security numbers of the students whose files were examined during the program review.

Disclaimer:

Although the review was thorough, it cannot be assumed to be all-inclusive. The absence of statements in the report concerning TSBC's specific practices and procedures must not be construed as acceptance, approval, or endorsement of those specific practices and procedures. Furthermore, it does not relieve TSBC of its obligation to comply with all of the statutory or regulatory provisions governing the Title IV, HEA programs.

This report reflects initial findings. These findings are not final. The Department will issue its final findings in a subsequent Final Program Review Determination letter.

C. Findings

During the review, several areas of noncompliance were noted. Findings of noncompliance are referenced to the applicable statutes and regulations and specify the actions to be taken by TSBC to bring operations of the financial aid programs into compliance with the statutes and regulations.

Finding 1: Lack of Administrative Capability

Citation:

To participate in any Title IV HEA program, an institution shall demonstrate that it is adequately capable of administering the program. In order to consider an institution to have that administrative capability, the institution must administer the programs in accordance with all statutory and regulatory provisions that apply to the Title IV HEA programs, including the requirements that an institution:

- administer the Title IV programs with an adequate system of checks and balances in its system of internal controls.
- establish and maintain records required by the Title IV program regulations.
- establish and maintain administrative and fiscal procedures and records necessary to ensure proper and efficient administration of Title IV and student funds.
- have written procedures for or written information indicating the responsibilities of the various offices with respect to the approval, disbursement and delivery of Title IV assistance, and
- designate a capable individual to be responsible for administering the Title IV programs in which the school participates.[34 C.F.R. § 668.16

Noncompliance:

This report discloses several serious findings of noncompliance, including noncompliance with respect to:

- student eligibility (see Findings 5, 7)
- award and return calculations. (see Findings 5, 7, 9)
- disbursing and returning funds (see Findings 10, 11).
- record keeping (see Findings 4, 8, 12) and
- institutional policies and procedures (see Findings 2, 3, 4, 6, 9)

These findings, individually or collectively, suggest an impaired administrative capability and/or an insufficient investment in administrative resources to properly administer the Title IV HEA programs in which the institution participates.

Requirement:

TSBC must invest in the administrative resources necessary to administer the Title IV HEA programs in accordance with all statutory provisions of or applicable to the HEA and all applicable regulatory provisions prescribed under that statutory authority.

TSBC must peruse each finding that is disclosed in this report and take corrective action to ensure that none of the findings will recur in a future compliance examination (e.g. program review, independent audit, federal audit). Although a written response to this finding is not required, we expect TSBC to address the requirement articulated under each of the other findings

in a clear, complete, and unambiguous response that reflects a concerted commitment to improve TSBC's administration of the Title IV HEA programs.

Finding 2: Crime Awareness Requirements not Met

Citation:

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) and the Department's regulations require that all institutions that receive Title IV, HEA funds must, by October 1 of each year, publish and distribute to its current students and employees, a comprehensive Annual Security Report (ASR) that contains, at a minimum, all of the statistical and policy elements described in 34 C.F.R. § 668.46(b).

The ASR must be prepared and actively distributed as a single document. Acceptable means of delivery include regular U.S. Mail, hand delivery, or campus mail distribution to the individual or posting on the institution's website. If an institution chooses to distribute its report by posting to an internet or intranet site, the institution must, by October 1 of each year, distribute a notice to all students and employees that includes a statement of the report's availability and its exact electronic address, a description of its contents, as well as an advisement that a paper copy will be provided upon request. 34 C.F.R. § 668.41 (e)(1). The Department's regulations also require participating institutions to provide a notice to all prospective students and employees that includes a statement about the ASR's availability, its contents, and its exact electronic address if posted to a website. This notice must also advise interested parties of their right to request a paper copy of the ASR and to have it furnished upon request. 34 C.F.R. § 668.41 (e)(4)

The ASR must include statistics for incidents of crimes reported during the three most recent calendar years. The covered categories include criminal homicide (murder and non-negligent manslaughter), forcible and non-forcible sex offenses, robbery, aggravated assaults, burglary, motor vehicle theft, and arson. Statistics for certain hate crimes as well as arrest and disciplinary referral statistics for violations of certain laws pertaining to illegal drugs; illegal usage of controlled substances, liquor, and weapons also must be disclosed in the ASR. These crime statistics must be published for the following geographical categories: 1) on campus; 2) on-campus student residential facilities; 3) certain non-campus buildings and property; and, 4) certain adjacent and accessible public property. 34 C.F.R. § 668.46(c)(1).

Additionally, the ASR must include several policy statements. These disclosures are intended to inform the campus community about the institution's security policies, procedures, and the availability of programs and resources as well as channels for victims of crime to seek recourse. In general, these policies include topics such as the law enforcement authority and practices of campus police and security forces, incident reporting procedures for students and employees, and policies that govern the preparation of the report itself. Institutions are also required to disclose alcohol and drug policies and educational programs. Policies pertaining to sexual assault education, prevention, and adjudication must also be disclosed. Institutions also must provide detailed policies of the issuance of timely warnings, emergency notifications, and evacuation procedures. All required statistics and policies must be included in a single comprehensive